

**PUBLIC SAFETY DEPARTMENT[661]****Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 100.18, the State Fire Marshal hereby amends Chapter 210, "Smoke Detectors," Iowa Administrative Code.

Iowa Code section 100.18 authorizes the State Fire Marshal to establish requirements for smoke detectors in single-family and multifamily residential buildings. These requirements were amended effective October 1, 2008, to establish that smoke detectors installed to meet the requirements are to be of dual sensor design. The effective date of that change was delayed until April 1, 2009, and is now being delayed again until October 1, 2009. Prior to the adoption of the amendments requiring the use of dual sensor smoke detectors, the Fire Marshal had received assurances that the available supply of dual sensor detectors would be sufficient for those installing new or replacement detectors; however, it now appears that there continue to be shortages of the dual sensor detectors. In addition, the Fire Marshal is considering possible exceptions to the dual sensor requirement for certain commercial smoke detector systems. Consequently, this emergency rule making has been adopted to delay for an additional six months the effective date of the requirement to use dual sensor detectors in order to ensure that an adequate supply of dual sensor detectors is available when the requirement takes effect and to allow for further consideration of possible exceptions to the requirement.

Generally, when amendments are adopted on an emergency basis, the Department of Public Safety files an accompanying Notice of Intended Action, which allows for public input through the normal rule-making process. However, in view of the nature of this emergency rule making, which is limited to delaying the effective date of the new requirement, and in view of the fact that the Fire Marshal intends to file a Notice of Intended Action in the near future proposing an amendment to the rule which would provide for certain limited exceptions to the dual sensor requirement, an accompanying Notice of Intended Action is not being filed with this rule making.

Pursuant to Iowa Code section 17A.4(3), the Fire Marshal finds that notice and public participation prior to the adoption of these amendments are impracticable. Postponing the effective date of the requirement when compliance may be impracticable for those subject to it calls for the emergency adoption of these amendments as early as practical.

Pursuant to Iowa Code section 17A.5(2)"b"(2), the Fire Marshal further finds that the normal effective date of these amendments, 35 days after publication, should be waived and these amendments be made effective April 7, 2009, after filing with the Administrative Rules Coordinator. These amendments confer a benefit upon the public by postponing the implementation of a requirement in order to address the shortage of dual sensor smoke detectors.

These amendments are intended to implement Iowa Code section 100.18.

These amendments became effective April 7, 2009.

The following amendments are adopted.

ITEM 1. Amend subrule 210.2(1) as follows:

**210.2(1)** Approved single station smoke detectors shall be acceptable in all areas covered by this chapter, unless other fire warning equipment or materials are required by any provision of 661—Chapter 201, 202, or 205. Any single station smoke detector installed on or after ~~April 1, 2009~~ October 1, 2009, in compliance with this subrule, including a replacement of an existing detector, shall be a dual sensor smoke detector. If sufficient dual sensor smoke detectors have been installed to comply with the requirements of this chapter, additional smoke detectors which may be other than dual sensor detectors may be installed.

ITEM 2. Amend subrule 210.2(3) as follows:

**210.2(3)** All devices, combinations of devices, and equipment to be installed in conformity with this chapter shall be approved and used for the purposes for which they are intended. Any smoke detector installed on or after ~~April 1, 2009~~ October 1, 2009, in compliance with this chapter, including

a replacement of an existing detector, shall be a dual sensor smoke detector. If sufficient dual sensor smoke detectors have been installed to comply with the requirements of this chapter, additional smoke detectors which may be other than dual sensor detectors may be installed.

[Filed Emergency 4/6/09, effective 4/7/09]

[Published 5/6/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/6/09.